

ORDINANCE NO. 1812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR  
THE LODI COMMUNITY IMPROVEMENT PROJECT

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WHEREAS, the Community Redevelopment Law (California Health and Safety Code Division 24, Part 1) (the "CRL") permits the adoption of redevelopment plans and specifies the procedure for doing so; and

WHEREAS, the Redevelopment Agency of the City of Lodi (the "Agency") has prepared a redevelopment plan dated as of April 18, 2008, and entitled "Redevelopment Plan for the Lodi Community Improvement Project" (the "Redevelopment Plan"), which includes the creation of the Lodi Community Improvement Project Area (the "Project Area"); and

WHEREAS, the City Council of the City of Lodi (the "City Council") proposes by this Ordinance to adopt the Redevelopment Plan and to establish the Project Area, and

WHEREAS, the Agency has forwarded to the City Council and the City Council has received a copy of the Redevelopment Plan, which is on file with the City Clerk at the Office of the City Clerk of the City of Lodi, 221 West Pine Street, Lodi, California 95240, together with the Report to the City Council of the Agency prepared pursuant to Section 33352 of the CRL (the "Report to Council"), which includes a description and discussion of the Lodi Community Improvement Project, and which discusses certain other matters as set forth in Section 33352 of the CRL and including the Environmental Impact Report prepared for the Project (the "EIR"); and

WHEREAS, consistent with the direction earlier given by the City Council, the Redevelopment Plan does not provide for the Agency to have or utilize the power of eminent domain; and

WHEREAS, a Project Area Committee was not required to be formed in connection with the subject Redevelopment Plan because the Redevelopment Plan does not include authorization for the Agency to acquire by eminent domain property upon which people lawfully reside (the Redevelopment Plan, in this case, does not contain any power of eminent domain of the Agency); and

WHEREAS, by adoption of Resolution No. PC 08-09 of the Lodi Planning Commission on April 23, 2008, the Planning Commission has submitted to the City Council its report that the Redevelopment Plan conforms to the Lodi General Plan and its recommendation for approval of the Redevelopment Plan; and

WHEREAS, the City Council and the Agency held a joint public hearing on the proposed adoption of the Redevelopment Plan in the City Council Chambers, City Hall, 221 West Pine Street, Lodi, California; and

WHEREAS, notice of the joint public hearing was duly and regularly published in a newspaper of general circulation in the City of Lodi (the "City") once a week for four (4) successive weeks prior to the date of the joint public hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk of the City of Lodi and Secretary of the Agency; and

WHEREAS, copies of the notice of the joint public hearing were mailed by first-class mail to the last known address of each assessee, as shown on the last equalized assessment roll of the County of San Joaquin, of each parcel of land in the Project Area, to each resident, and to each business as practicable at least thirty (30) days prior to the joint public hearing; and

WHEREAS, copies of the notice of the joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

WHEREAS, in accordance with CRL Section 33350, each assessee whose property would be subject to acquisition by purchase or condemnation was provided notice, either by statement, list or map; and

WHEREAS, the City Council has considered the Report, the Redevelopment Plan, and its effects, and the EIR; and has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the adoption of the Redevelopment Plan; and

WHEREAS, the Agency and the City Council have reviewed and considered the EIR for the Redevelopment Plan, prepared and submitted pursuant to Public Resources Code Section 21000 et seq. and Health & Safety Code Section 33352, and certified said EIR on June 18, 2008, by Agency Resolution No. RDA2008-05 and by City Council Resolution No. 2008-115; and

WHEREAS, the City Council has received and has considered the Report to Council from the Agency with regard to the Redevelopment Plan, has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan, and has made a written response to each written objection of an affected property owner and taxing entity filed with the City Clerk before the hour set for such joint public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

SECTION 1. The overall purpose of the City Council formulating the Redevelopment Plan is to provide for the elimination or alleviation of physical and economic blighting conditions, as defined in Sections 33030 and 33031 of the CRL, that exist within the Project Area. Broadly stated, these conditions include, without limitation: physical deterioration of buildings and facilities; potential threats to the public health and safety, inadequate public improvements and facilities that are essential to the health and safety of local residents and property owners; areas of incompatible land uses; lots of irregular form and shape and of inadequate size for proper development; land contaminated by hazardous materials; and land suffering from depreciated or stagnant values.

In eliminating blighting conditions, the Redevelopment Plan is intended to achieve the following goals and will institute the following programs or activities:

- Enhance existing business and residential neighborhoods, and encourage new in-fill development as appropriate.
- Encourage development according to the City's General Plan, as it currently exists or may be amended *in* the future.

- Help preserve and enhance existing conforming residential neighborhoods through landscaping, street and other infrastructure improvements.
- Work with business and property owners to upgrade their properties in the Project Area.
- Rehabilitate deteriorated residential and commercial properties to eliminate safety deficiencies to extend the useful lives of these structures.
- Encourage policies that protect historic structures and ensure historic preservation in the Project Area.
- Work with property owners and businesses to clean up properties that are or have been exposed to hazardous materials.
- Work with property owners to eliminate the negative impacts related to non-conforming land uses.
- Provide for an appropriate buffer to residential neighborhoods from noise, odors, and vibrations for non-residential uses.
- Promote and ensure an environment that is friendly and safe for pedestrians.
- Strengthen pedestrian connections between neighborhoods, and from the Project Area to the rest of the City.
- Create successful commercial and industrial employment areas to serve local residents, businesses, employees and visitors.
- Develop infrastructure improvements that facilitate private investment in the Project Area.
- Assist economically depressed properties to reverse stagnant or declining property investment through infrastructure improvements and programs.
- Expand opportunities for shopping and services by encouraging the development of new commercial uses that fulfill unmet needs in the community and rehabilitation of existing commercial properties.
- Work with property owners to consolidate parcels to induce new or expanded business development.
- Promote the development of new commercial and industrial opportunities that provide for diverse employment opportunities.
- Provide relocation assistance to businesses and residents in accordance with current law.
- Establish the Project Area as a community with a high-quality housing stock that includes a variety of housing unit types affordable to a wide range of households.
- Improve the appearance and attractiveness of residential neighborhoods through neighborhood improvement programs, and code enforcement efforts.
- Protect the health and general welfare of the Project Area's low- and moderate-income residents by utilizing 20% of the property tax increment revenues to improve, increase and preserve the supply of low- and moderate-income housing.

- Provide replacement housing as required by law if any dwelling units affordable to low- or moderate-income persons or families are lost from the housing supply as a result of Agency activities.
- Provide relocation assistance to businesses and households displaced by Agency activities.
- Provide housing rehabilitation programs to upgrade properties to eliminate blight and adverse code conditions.
- Improve the Project Area's public infrastructure system to ensure public health, safety and welfare of residents, businesses, and properties.
- Provide for improvements to the infrastructure system that cannot be undertaken by a single property owner, but must be improved on an area-wide basis such as drainage improvements, water distribution lines, flood control facilities, and *under-grounding* of utilities.
- Provide a range of public infrastructure improvements that induce or facilitate private investment such as intersection upgrades, streets, curbs and gutters, sidewalks, street medians, and parking management facilities.
- Work with property owners on the location and timing of improvements to economically assist the repositioning and development of parcels.
- Ensure that the Lodi Community Improvement Project is managed in the most efficient, effective and economical manner possible.
- Encourage the cooperation and participation of property owners, tenants, residents, public agencies, and community organizations in the elimination of blighting conditions and the promotion of new or improved development in the Project Area.
- Establish programs and activities which assist, complement, and coordinate with public and private development and encourage revitalization and enhancement in the Project Area.
- Oversee the necessary infrastructure improvements in a coordinated and efficient manner.

SECTION 2. The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Report and all documents referenced therein, and testimony received at the joint public hearing on adoption of the subject Redevelopment Plan that:

- a) The Project Area is a blighted area pursuant to the CRL, the redevelopment of which is necessary to effectuate the public purposes of the CRL. These findings are based in part on testimony and the Report to Council.
- b) The Redevelopment Plan will redevelop the Project Area in conformity with the CRL and in the interests of the public health, safety and welfare. This finding is based in part upon the fact that redevelopment of the Project Area will implement the objectives of the CRL by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement, and providing for higher economic utilization of potentially useful land and on testimony and the Report to Council.

- c) The adoption and carrying out of the "Project" (as described in the Redevelopment Plan) is economically sound and feasible. This finding is based in part on the fact that within the passage of the Project, the Agency will engage in activities within the financial capability of the Agency based upon the revenues that will be available to the Agency and will pursue those activities which are consistent with revenues realized after adoption of the Project. Furthermore, this finding is based upon the fact that the Agency's Report further discusses and demonstrates the economic soundness and feasibility of the Project and undertakings pursuant thereto, even after adoption of the Project and on testimony and the Report to Council.
- d) The Redevelopment Plan is consistent with the City of Lodi's General Plan including, but not limited to, the Housing Element thereof, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based in part on the Lodi General Plan (Planning Commission Resolution No. PC 08-09, adopted April 23, 2008) and on testimony and the Report to Council.
- e) The carrying out of the Redevelopment Plan would promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policies of the CRL. This finding is based on the fact that redevelopment will benefit the Project Area and the community by allowing the Agency to correct continuing conditions of blight and by coordinating public and private actions to stimulate development, contribute toward needed public improvements and improve the economic, and physical conditions of the Project Area and the community and on testimony and the Report to Council.
- f) The Agency has a feasible method for the relocation of families and persons displaced, if any, from the Project Area. The City Council and the Agency recognize that the provisions of Sections 7260 to 7276 of the California Government Code would be applicable to any relocation that would occur due to the implementation by the Agency of the Redevelopment Plan. The City Council finds and determines that the provision of relocation assistance according to law constitutes a feasible method for relocation.
- g) There are or shall be provided within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of any families and persons displaced from the Project Area, if any, decent, safe and sanitary dwellings equal in number to the number of and available to the displaced families and persons, and reasonably accessible to their places of employment.
- h) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the CRL and other applicable provisions of law. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to the applicable provisions of Sections 3334.5, 33413 and 33413.5 of the CRL. The Agency has adopted a method of relocation for the Project Area which incorporates the California Relocation Assistance and Real Property Acquisition Guidelines. The method provides that no persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement.

- i) All noncontiguous areas of the Project Area, if any, are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from such area pursuant to Section 33670 of the CRL without other substantial justification for their inclusion. The Project Area is a blighted area which is characterized by a combination of conditions which are prevalent and so substantial that it causes a reduction of, and lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.
- j) Inclusion of any lands, buildings or improvements into the Project Area, which are not detrimental to the public health, safety or welfare, is necessary for the effective redevelopment of the entire area of which they are a part, and any such area is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the CRL without other substantial justification for its inclusion. This finding is based in part upon the fact that the boundaries of the Project Area were specifically drawn to include only those lands that were underutilized because of blighting influences, or to include land affected by the existence of blighting influences or land uses significantly contributing to the conditions of blight, or to include land that is necessary for effective redevelopment, which inclusion is necessary to accomplish the objectives and benefits of the Redevelopment Plan and on testimony and the Report to Council.
- k) The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based in part upon the continued existence of blighting influences including, without limitation, the demonstrated lack of private sector interest in redeveloping properties in the Project Area, structural deficiencies and other indications of blight more fully enumerated in the Report, and the infeasibility due to cost of requiring individuals (by means of assessment or otherwise) to eradicate or significantly alleviate existing deficiencies in properties and facilities and the inability and inadequacy of other governmental programs and financing mechanisms to eliminate the blighting conditions and on testimony and the Report to Council.
- l) The Project Area is predominately urbanized, as defined by subdivision (b) of CRL Section 33320.1. This finding is based in part on testimony and the Report to Council.
- m) The time limitations contained in the Redevelopment Plan are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area. This finding is based on testimony and the Report to Council.
- n) The limitation on the number of dollars to be allocated to the Agency as contained in the Redevelopment Plan is reasonably related to the proposed projects to be implemented in the Project Area and the ability of the Agency to eliminate blight within the Project Area. This finding is based on testimony and the Report to Council.
- o) The implementation of the Redevelopment Plan will improve or alleviate the physical and economic conditions of blight in the Project Area, as described in the Report. This finding is based on testimony and the Report to Council.

- p) The Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land on land sold or leased for private use for periods of time and under conditions specified in the Redevelopment Plan, which the City Council deems necessary to effectuate the purposes of the Health and Safety Code. This finding is based on testimony and the Report to Council.
- q) Based upon the record of the joint public hearing held on the Redevelopment Plan and the various reports and other information provided to the City Council, the City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area, may be displaced and that pending the development of such facilities, there will be available to such occupants who may be displaced adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

SECTION 3. The City Council is satisfied that permanent housing facilities will be available within three years from the time residential occupants of the Redevelopment Project are displaced, and that pending the development of such facilities, there will be available to any such displaced residential occupants temporary housing facilities at rents comparable to those in the City at the time of their displacement. This statement is based upon the City Council's finding that no persons or families of low and moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement and on testimony and the Report to Council. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. This statement is made pursuant to the requirements of the CRL notwithstanding the expectation that there will not be displacement of residential occupants in connection with the actions of the Agency in implementing the Redevelopment Plan.

SECTION 4. The City Council has considered written objections, if any, to the Redevelopment Plan and all evidence and testimony for and against the adoption of the Redevelopment Plan. All written objections, if any, have been overruled.

SECTION 5. The City Council has previously approved all appropriate environmental findings and determinations required in connection with the adoption of the Redevelopment Project.

SECTION 6. That certain "Redevelopment Plan for the Lodi Community Improvement Project" (also referred to above as the "Redevelopment Plan") a copy of which is on file in the office of the Agency and the office of the City Clerk, having been duly reviewed and considered, is hereby approved and adopted. The Redevelopment Plan, which is incorporated herein by reference, is hereby designated, approved, and adopted as the official redevelopment plan for the Project Area and the Lodi Community Improvement Project.

SECTION 7. In order to implement and facilitate the effectuation of the Redevelopment Project hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Project Area, (c) stands ready to consider and take

appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Redevelopment Plan.

SECTION 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

SECTION 9. The City Clerk is hereby directed to record the subject Redevelopment Plan or a notice that such Redevelopment Plan has been adopted in the Official Records of San Joaquin County as promptly as practicable. The City Clerk is further directed to record, within sixty (60) days of the passage of this Ordinance, in the Official Records of San Joaquin County, the notice required pursuant to Section 33373 of the CRL, which notice must include a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the CRL.

SECTION 10. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance and to cause the same to be published in the Lodi News Sentinel, a newspaper of general circulation which is published and circulated in the City of Lodi.


SECTION 11. If any part of this Ordinance or the subject Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not effect the validity of the remaining portion of this Ordinance or of the subject Redevelopment Plan, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of the subject Redevelopment Plan if such invalid portion thereof had been deleted.

SECTION 12. This Ordinance shall be in full force and effect at the earliest date provided by law.

Approved this 2<sup>nd</sup> day of July, 2008

  
JOANNE MOUNCE  
Mayor

Attest:

  
RANDI JOHL  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1812 was introduced at a regular meeting of the City Council of the City of Lodi held June 18, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held July 2, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, and Katzakian

NOES: COUNCIL MEMBERS – Mayor Mounce

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1812 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
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RANDI JOHL  
City Clerk

Approved as to Form:

  
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D. STEPHEN SCHWABAUER  
City Attorney